

Commissioner for Patents
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/909,238	07/19/2001	Gerd Hobom	100725-10/Kreisler 1092-K

CONFIRMATION NO. 8656

FORMALITIES LETTER



OC000000009081410

27384
KURT BRISCOE
NORRIS, MCLAUGHLIN & MARCUS, P.A.
220 EAST 42ND STREET, 30TH FLOOR
NEW YORK, NY 10017

Date Mailed: 11/07/2002

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Filing Date Granted

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

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- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**STATEMENT THAT "SEQUENCE LISTING"
AND COMPUTER READABLE COPY ARE THE SAME
AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

I hereby state that each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application, is the same as the "Sequence Listing" to which it is indicated to relate. All papers accompanying this submission, or for which a request for transfer from applicant's other application, introduce no new matter.

Respectfully Submitted,

Norris, McLaughlin & Marcus

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New York, NY 10017
Telephone (212) 808-0700
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Theodore Gottlieb, PhD
Reg. No. 42,597

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PTO/SB/21 (12-97)

Approved for use through 9/30/00. OMB 0651-0031

Patent and Trademark Office: U.S. Department of Commerce

TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

Application Number	09/909,238
Filing Date	July 19, 2001
First Named Inventor	Gerd HOBOM et al.
Group Art Unit	To Be Assigned
Examiner Name	To Be Assigned
Attorney Docket Number	100725-10/Kreisler 1092-KGB

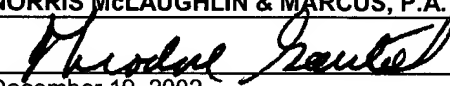
Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> To convert a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other - Response to Notice to Comply with Requirements
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Additional Enclosure(s) -(please identify below):
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Small Entity Statement	- Duplicate diskette containing Sequence Listing, copy of Notice to Comply
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Request for Refund	

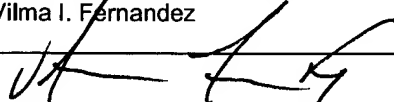
Remarks:

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Theodore A. Gottlieb NORRIS McLAUGHLIN & MARCUS, P.A.
Signature	 Reg. No. 42,597
Date	December 19, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202.

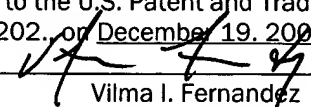
Typed or printed name	Vilma I. Fernandez
Signature	
Date	December 19, 2002

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Vilma I. Fernandez

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO.	09/909,238
APPLICANT	GERD HOBOM ET AL.
FILED	July 19, 2001
EXAMINER	TO BE ASSIGNED
ART UNIT	1614
FOR	RECOMBINANT INFLUENZA VIRUSES WITH BICISTRONIC vRNAs CODING FOR TWO GENES IN TANDEM ARRANGEMENT

Hon. Assistant Commissioner of Patents
United States Patent and Trademark Office
BOX SEQUENCE
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Arlington, VA 22202

December 19, 2002

RESPONSE AND AMENDMENT

Sir:

This communication is in response to the Office Action dated November 7, 2002.

Entry of the amendments and consideration of the remarks is respectfully solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be considered a petition therefore. Please charge the required fee to Deposit Account No. 14-1263.

ADDITIONAL FEES

Please charge any further insufficiency of fees, or credit any excess to Deposit Account No. 14-1263.

ITEMS BEING SUBMITTED

Submitted herewith is/are

- a) A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 CFR 1.821(e) and 1.824.
- b) A statement that the content of each "Sequence Listing" previously submitted and each computer readable copy are the same, as required in 37 CFR 1.821(g).
- c) Because this submission is made in fulfilling the requirement under 37 CFR 1.821(g), a statement that the submission includes no new matter.
- d) A copy of the NOTICE TO COMPLY...SEQUENCE DISCLOSURES.